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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,010

02/25/2005

Masaki Shimizu

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EXAMINER

BENNETT, ZAHRA I

ART UNIT

PAPER NUMBER

2875

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

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Office Action Summary	Application No. 10/526,010	Applicant(s) SHIMIZU, MASAKI	
	Examiner Zahra Bennett	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
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- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20,23-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 and 24-34 is/are rejected.
- 7) ☒ Claim(s) 19,20 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 16-19, 23-29, and 31-34 recites the limitations "the horizontal direction" in claim 16, line 7, "the center of gravity" in claim 16, line 7, "the light emitting plane" in claims 16 and 19, "the plane" in claim 18, line 7, and "the vertical direction" in the newly added limitations of the claims. There is insufficient antecedent basis for these limitations in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 has the newly added limitation "in the upper side of the vertical direction of the optical member". This new limitation has made the claim unclear. It is unclear to the Examiner how the locking portion contacts the opening in a longitudinal direction if the optical member is in a vertical direction. Also how can a member (the locking portion) be positioned "in the upper side of the vertical direction".

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 16-18, 24, 27-29, 31, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio (JP 11-337942) in view of Wang et al. (US Publication 2001/0055075).

With respect to claim 16, Tomio teaches a lighting apparatus comprising:
a lamp ([0010] lines 4-7);
an optical member (Figure 1: 2) with openings (Figure 3(c): 5); and
locking portions (4), wherein
at least one set of an opening (5) and a locking portion (4) is provided on each left and right sides with respect to center of the optical member (2) in the horizontal direction, both vertically above and below (Figure 1) with respect to the center of gravity of the optical member,
in a vertically upper side of the optical member, the optical member (Figure 3(c): 2) is suspended by at least the two sets of the opening (5) and the locking portion (4) on left and right sides horizontally with respect to the center of the optical member such that only an upper edge of the opening abut on an upper peripheral portion of locking portion, and
the locking portion (4) in a vertically lower side with respect to the center of gravity of the optical member penetrates the opening in a contactless manner ([0011] lines 7-10).

Tomio does not teach that the optical member is parallel to the vertical direction. Wang teaches an optical member (Figure 7: 10) is parallel to the vertical direction. It would have been obvious to one of ordinary skill at the time of the invention to have the

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optical member of Tomio parallel to the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

With respect to claim 17, Tomio teaches an LCD panel ([0009]).

With respect to claim 18, as best understood, Tomio teaches a lighting apparatus comprising:

a lamp ([0010] lines 4-7);

an optical member (Figure 1: 2) with openings (Figure 3(c): 5); and

locking portions (4),

wherein the lighting apparatus being capable of mounting a display unit ([0009]),

and wherein

the optical member (2) is suspended by at least one set of an opening (5) and a locking portion (4) as they are engaged with one another in a vertically upper side with respect to the center of gravity of the optical member,

in a vertically lower side with respect to the center of gravity of the optical member, the locking portion (Figure 1: 4) penetrates the opening (5) such that the optical member is not subjected to the stress caused by its own weight in the vertically upward direction, nor is it subjected to the stress caused by its contact in the vertically downward direction with the locking portion.

Tomio does not teach that the optical member is parallel to the vertical direction. Wang teaches an optical member (Figure 7: 10) is parallel to the vertical direction. It

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would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio parallel to the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

Tomio also does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

Regarding claims 24, 27, and 28, applicant has failed to separately argue these dependent claims, therefore, the claims are still rejected for the reasons discussed in the previous office action.

With respect to claim 29, Tomio teaches a lighting apparatus comprising:

an optical member (Figure 1: 2) with a cutout portion (5); and

a locking portion (4), wherein the lighting apparatus being capable of mounting a display unit ([0009]), and wherein

the cutout portion is formed in each side on the left and right sides horizontally of the optical member, along the side (Figure 3(c)), and forms upper and lower stepped portions (Figure 6: 8b) with respect to an outer edge of each side, and

would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio parallel to the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

Tomio also does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

Regarding claims 24, 27, and 28, applicant has failed to separately argue these dependent claims, therefore, the claims are still rejected for the reasons discussed in the previous office action.

With respect to claim 29, Tomio teaches a lighting apparatus comprising:
an optical member (Figure 1: 2) with a cutout portion (5); and
a locking portion (4), wherein the lighting apparatus being capable of mounting a display unit ([0009]), and wherein
the cutout portion is formed in each side on the left and right sides horizontally of the optical member, along the side (Figure 3(c)), and forms upper and lower stepped portions (Figure 6: 8b) with respect to an outer edge of each side, and

the optical member (Figure 1: 2) is suspended in parallel with a display surface of the display unit by causing an upper internal edge of the upper stepped portion of each cutout portion to abut on the locking portion.

Tomio does not teach that the optical member is parallel to the vertical direction. Wang teaches an optical member (Figure 7: 10) is parallel to the vertical direction. It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio parallel to the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

With respect to claim 31, Tomio teaches that the optical member (Figure 1: 2) is suspended by causing the periphery of the locking portion (4) to abut on both sides of each cutout portion (5) in the direction of the side ends, cutout portion being formed in each side on the left and right horizontally of the optical member (Figure 3(c)).

Tomio does not teach that the optical member is parallel to the vertical direction. Wang teaches an optical member (Figure 7: 10) is parallel to the vertical direction. It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio parallel to the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

With respect to claim 32, Tomio teaches at least one of the cutout portions (Figure 3(c): 5) formed in both sides on the left and right sides horizontally of the optical

member is disposed in a vertically upper side with respect to the center of gravity of the optical member (2).

Tomio does not teach that the optical member is in the vertical direction. Wang teaches an optical member (Figure 7: 10) is in the vertical direction. It would have been obvious to one of ordinary skill at the time of the invention to have the optical member of Tomio in the vertical direction for the benefit of maintaining the visual angle of the device, as taught by Wang.

With respect to claim 34, Tomio teaches an LCD apparatus comprising an LCD panel as the display unit ([0009]).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio and Wang as applied to claim 18 above, and further in view of Bourdelais et al. (US Patent 6,846,098). Regarding claim 25, applicant has failed to separately argue this dependent claim, therefore, the claim is still rejected for the reasons discussed in the previous office action.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio as applied to claim 18 above, and further in view of Okuno (US Publication 2001/0006461). Regarding claim 26, applicant has failed to separately argue this

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dependent claim, therefore, the claim is still rejected for the reasons discussed in the previous office action.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomio (JP 11-337942) in view of Wang et al. (US Publication 2001/0055075).

With respect to claim 33, Tomio teaches both in a basic portion and the optical member (Figure 1: 2) is supported by causing an upper internal edge of the cutout portion (5) formed in and along each side on the left and right sides (Figure 3(c)) horizontally of the optical member in a vertically upper portion of the optical member to abut on the locking portion (4).

Tomio does not teach a first stop position or the lighting apparatus being rotated from the basic position. Wang teaches a first stop position (Figure 6) and the lighting apparatus (10) is rotated from the basic position of the plane of the display unit ([0036] lines 17-21). It would have been obvious to one of ordinary skill at the time of the invention to include a first stop position and a rotating lighting apparatus on the device of Tomio for the benefit of operating the device with ease, as taught by Wang.

Allowable Subject Matter

Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 16, 18, 19, 23 29, 31, and 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZB



RENEE LUEBKE
PRIMARY EXAMINER